

Protecting your Clients Privacy

LCDR Call

Guam VLC

Importance of Evidence



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Talk about Protection



RCM 703

- (f) (1) *Right to evidence.*
- *In general.* Each party is entitled to the production of evidence which is relevant and necessary.

Relevance

- *See* Mil. R. Evid. 401 concerning relevance.
- Relevant evidence is necessary when it is not cumulative;
- and when it would contribute to a party's presentation of the case in some positive way on a matter in issue.

RCM 703 (F)(4)(A)

- *Evidence under the control of the Government.*
- Evidence under the control of the Government may be obtained by notifying the custodian of the evidence of the time, place, and date the evidence is required and requesting the custodian to send or deliver the evidence.

When Will a Subpoea Be Issued

- *RCM 703 (f)(4)(B)*
- *Evidence not under the control of the Government* may be obtained by subpoena issued in accordance with subsection (e)(2) of this rule.

RCM Rule 703

- *Relief.* If the person having custody of evidence requests relief on grounds that compliance with the subpoena or order of production is unreasonable or oppressive, the convening authority or, after referral, the military judge may direct that the subpoena or order of production be withdrawn or modified. Subject to Mil. R. Evid. 505 and 506, the military judge may direct that the evidence be submitted to the military judge for an in camera inspection in order to determine whether such relief should be granted.

RCM 703

- *(3) Determining what evidence will be produced.*

The procedures in subsection (c) of this rule shall apply to a determination of what evidence will be produced, except that any defense request for the production of evidence shall list the items of evidence to be produced and shall include a description of each item sufficient to show its relevance and necessity, a statement where it can be obtained, and, if known, the name, address, and telephone number of the custodian of the evidence

First Hurdle



What Authority am I dealing with



Protection of Medical Records



Search Authorization

RECORD OF AUTHORIZATION TO SEARCH (See JAGMAN 0170)		
1. At _____ Time	on _____ Date	I was approached by _____ Name, Rate, Service
in his or her capacity as _____ Duty		
who having been first duly sworn, advised me that		
he or she suspected _____ Name		
of _____ Offense		
and requested permission		
to search his or her _____ Object or Place		
for _____ Items		
2. The reasons given to me for suspecting the above named person were:		

3. After carefully weighing the foregoing information, I was of the belief that the crime of _____ _____ [had been] [was being] [was about to be] committed, that _____ _____ was the likely perpetrator thereof, that a search of the object or area stated above would probably produce the items stated and that such items were [the fruits of crime] [the instrumentalities of a crime] [contraband] [evidence].		
4. I have therefore authorized _____ to search the place named for the property specified, and if the property be found there, to seize it.		
_____	_____	_____
Grade	Signature	Title

Date and Time		

Private Records



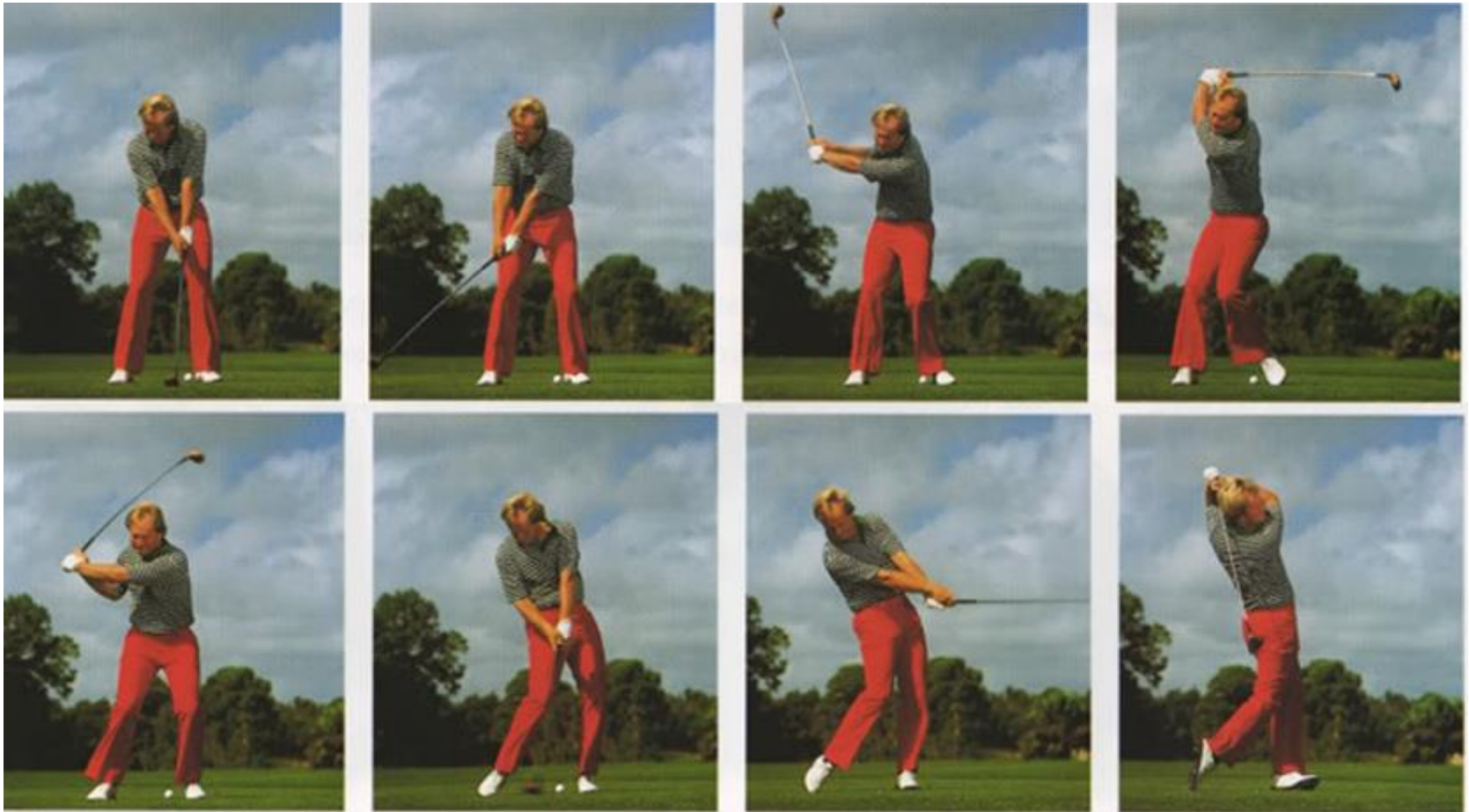
Barracks Room Search



The Cell Phone



Best Practices





BEDSIDE MANNER
you need to work on it.